

COMMITTEE ON GOVERNMENT REFORM

MS13 AND COUNTING – GANG ACTIVITY IN MONTGOMERY AND PRINCE GEORGE'S COUNTIES

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My name is Robert Green. I am the Warden of the Montgomery County Correctional Facility, a 1029 bed facility in Boyds, Maryland. Thank you for the opportunity to present testimony before this Congressional Committee on behalf of the Montgomery County Department of Correction and Rehabilitation. As a community, we are very fortunate to have exceptional leaders who have made this a priority issue in our county and who approach the issue with a comprehensive mindset. Corrections can very easily be relegated to a position of afterthought. That is clearly not the case in Montgomery County.

The outcome of gang suppression creates a natural increase in the number of inmates involved in gang activities within our correctional settings. Today as I sit before you, the Montgomery County Department of Correction and Rehabilitation has in custody 108 validated gang members. These gang members represent 38 nationally recognized gangs, as well as regionally and locally known street crews, all of whom are involved in illegal activities.

WHAT ARE WE DOING IN MONTGOMERY COUNTY CORRECTIONS THAT APPEARS TO BE WORKING?

We immediately engage gang members coming into our system through a process that allows us to know what their affiliation is, and the nature of that affiliation. Also on the very front end of intake into our facility we let the population know that inside our walls "There are no gangs". We exercise our security, safety and control measures to assure that the inmate population, our staff and the public remain safe at all times. Gang activity and crime is no more acceptable within the walls of our correctional facility then it is on the streets of our community. We are strongly supported in this principle by our States Attorney's Office and the Montgomery County criminal justice system. We do not hesitate to prosecute crimes that occur within our facility and have done so 38 times to date.

It is important to note that not all of the 108 validated gang members within our system were arrested for direct gang related crimes. Some are known to the Montgomery County Public Safety agencies and some are not. Our efforts at validation are a continuing process of identification and suppression exercised within the walls of our facility.

Left unattended, gang activity can quickly become a very negative and violent influence in a correctional setting. Management of this population is continuous. Adjustments in housing and other security functions are on-going to maintain balance and safety. Collaboration and information sharing is key.

A PROMISING PROGRAM OF CHANGE

THE "YOUTHFUL OFFENDER UNIT" (YOU)

Offenders in our system who have not yet reached their 22nd birthday are compelled to enter a youthful offender unit and participate in MRT (Moral Reconciliation Therapy), a very comprehensive behavioral modification program. Originally targeting male inmates, MCCF expanded the program to include female youthful offenders in 1999. The YOU is housed in a Direct Supervision pod that can house up to sixty-four (64) youthful offenders. There is one correctional officer working in the pod at all times and there is also a correctional specialist dedicated to the unit. The program utilizes cognitive-behavioral treatment, *Moral Reconciliation Therapy* (MRT). MRT is a sixteen step program developed by Dr. Kenneth Robinson and Dr. Greg Little in 1985 for working with substance abusers in the correctional setting. This treatment modality is a cognitive learning approach to changing inmate behavior by focusing on how offenders think and make decisions. It is the core of the therapeutic unit.

In addition to the MRT program, extensive supplementary programming is provided. The programs offered are intended to help individuals build coping and decision-making skills that will assist them in redirecting their behavior toward non-criminal and non-substance abuse activities. Participants in the program are required to attend school if they do not have a high school diploma or a GED. Participants also are required to participate in a variety of educational and therapeutic programs within the unit, including substance abuse related classes, and Alcoholics Anonymous and Narcotics Anonymous meetings. Early morning calisthenics are an integral part of instilling the discipline required for this unit to succeed. The calisthenics program is highly structured, allowing the adolescent offender the opportunity to channel his or her energy in a more constructive manner. Examples of other activities offered include: therapeutic recreation; courses in domestic violence and anger management; victim impact classes; and a conflict resolution program. Community meetings are held in the unit weekly to ensure that the lines of communication between staff and offenders remain open and frequent.

The YOU program expanded shortly after its opening to include a family group that meets once a month. This component of the program has grown steadily which illustrates the family's need for support and involvement in their loved ones' treatment program.

STAFFING AND STAFF TRAINING

The YOU is managed by a Correctional Specialist IV who is the program manager, along with a Custody and Security unit manager. Staff assignment to the YOU is voluntary and competitive. This program also utilizes a unit counselor, correctional officers, interns, and community volunteers. All full-time MCCF staff working in the YOU have been trained in MRT and facilitate MRT groups. Staff members have been trained in basic child and moral development theories, and in behavior management techniques. The YOU, by its nature, requires a substantial amount of staff time to consistently enforce appropriate behavior. Staff communication is essential to the functioning of this specialized unit. The use of pass-on logs, face-to-face contact, an online server list, and telephone

communication is vital. Inmate manipulation of staff can only be controlled by the constant communication between all staff.

The three most important elements in effectively working with the youthful offender are: **consistency, consistency, consistency!** In support of this premise, there are regularly scheduled staff meetings for all team members. Administrative support for a program of this nature is crucial. The unit meetings are costly due to the overtime involved that allows all of our staff, no matter the shift assigned, to be involved. We are extremely fortunate to have the Administrative support that allows this to occur.

The *Jail Addiction Services* (JAS) unit, a therapeutic substance abuse treatment community housed within MCCF, has offered continuing invaluable support and training to the YOU.

A JAS counselor, with inmate peer counselors from the JAS unit, organizes and supervises ongoing Substance Abuse Education and Narcotics Anonymous programs for the YOU.

PEER LEADERS / POD REPS

Peer leaders/pod reps are MRT participants, chosen by unit staff, to serve as mentors and role models to other unit members. Peer leaders are selected for their leadership skills and for the behavior they have exhibited while in the unit, specifically their ability to follow rules. Peer leaders are dorm representatives and earn five (5) days industrial time per month for fulfilling this responsibility.¹ Obviously, this is a closely monitored function of the program to assure appropriate relationships at all times. Being appointed peer leader confers a great deal of responsibility on these young inmates. They are expected to fulfill the following duties.

1. Be positive role models
2. Follow all rules
3. Provide positive feedback to peers regarding their behavior and program participation
4. Provide peer mediation
5. Participate actively and positively in all groups
6. Assist in facilitating MRT groups
7. Organize chairs/tables for MRT groups

¹ A maximum of five (5) days good conduct time may be earned by any one inmate.

8. Ensure all group members are on time, properly dressed with ID's, and bring group materials to meetings
9. Assist with wake-up and notification for all activities and groups
10. Assist with orientation for new YOU participants
11. Assist with distributing facility supplies

ADMISSION CRITERIA

1. In most cases the participant must be twenty-one (21) years of age or younger, at the time of their first admission to the unit, and not be over twenty-two (22) years for any subsequent admission.
2. Must be able to read and write at a sixth grade level (in order to complete the MRT workbook exercises). When exceptions are made, another unit participant is assigned to work with him or her.
3. The youthful offender must be infraction-free for thirty days (30) prior to entry into the unit, unless a classification waiver has been granted.
4. May not have been returned from the Pre-Release Center in the past thirty days, unless a waiver has been granted.
5. May not have a "keep separate" from any other person housed in the unit ("keep separate" is an action to separate any two or more inmates).
6. **Gang affiliation is not a factor in accepting an individual into the unit. Having members of rival gangs has not presented a problem in the unit. The inmates understand that they will only remain in the unit as long as they follow all rules and behavioral expectations. Gang recognition, affiliation, signs and graffiti are grounds for administrative and criminal charges.**

DISCIPLINARY ISSUES AND CONSEQUENCES

All program participants are expected to follow all institutional rules listed in the Inmate Guide Book, which they receive prior to being classified to permanent housing. The Inmate Guide Book lists category 100A, 100B, 200, and 300 disciplinary infractions. Commission of any category 100A offense will lead to automatic and immediate removal from the unit. Violation of any 100B and 200 category offenses may lead to removal from the unit. Category 100 and 200 rule violations will result in an institutional disciplinary report, a DCA 71, being written. The adjustment hearing board will consist of a unit correctional specialist and supervisory correctional officer, with the correctional specialist

chairing the board. The sanctions will be determined by the severity of the offense, past offenses by the inmate, the inmate's overall program performance, and treatment considerations. Sanctions can include: loss of good conduct time; full disciplinary lock-up, either in the YOU or in a disciplinary housing area; full restriction within the YOU, or in general population; loss of recreation, canteen, and/or visiting; loss of school; loss of an institutional job; removal from MRT and/or all other programs; a work detail within the unit; a form of restitution; a writing assignment; a suspended sentence, or criminal charges²

Unit rules and category 300 violations (minor violations) may be dealt with informally if the behavior is not a persistent problem. For minor offenses, e.g. the use of profanity, making excessive noise, etc., the individual may be given a warning by a peer leader or a staff member. Consequences are assigned by staff and can be as minor as a written exercise about the behavior in question, extra duties, lock in, television restriction, room ban, telephone ban, or a contract. They may be as severe as receiving a written disciplinary report.

An individual may be removed from the YOU administratively if he is not a productive member of the community. One strategy is temporary removal so that the inmate can have "a dose of reality", called a reality check, by living in a general population unit. At the conclusion of the specified time period, the individual will be given the opportunity to return to the YOU on the condition that he will actively participate in and follow the rules of the program. Whether removed for administrative or disciplinary reasons, the individual may write a request to return to the unit. The request will be brought before unit staff and a decision on the request will be made. On rare occasions an administrative decision will be made by the correctional specialist supervisor or the captain of the unit.

PRIVILEGES

Privileges to reward achievement and positive behavior are just as, if not more important, as are consequences for inappropriate behavior. In a detention setting, it is necessary to be creative to find rewards that are not cost prohibitive. Staff members meet with the inmates in the unit to ask for suggestions for rewards and privileges that could be earned. Some of the ideas that are currently being implemented are earning privileges based on the achievement of milestone MRT steps. One example of a privilege that can be earned by completing a particular step is for the inmate to have access to one of the pod computers. Other privileges afforded inmates in the YOU are programs provided by such organizations as Identity and Project Youth Art Reach of Class Act and Arts. Community programming plays a vital role in providing services to this population. It is also a connection to the community upon release.

² Due to the treatment aspect of the YOU program creative discipline is used and, therefore this should not be considered a definitive list of sanctions.

COURT AND RELEASE ISSUES

The unit counselor will complete an institutional report, upon request, for court. A court report is neither necessary nor helpful at a preliminary hearing. It has been found to be most effective at sentencing. All positive and negative behavior will be addressed in the institutional report. Any unit staff member who has worked with the individual offender may be subpoenaed to court to testify about their program progress. Staff members will testify to fact only and cannot make recommendations nor give opinions. At the invitation of Judge Weinstein, the Chief Judge of the Circuit Court, a meeting was held to provide the judges an overview of the YOU program when it first began. Court updates are ongoing and are viewed as a very important part of the program.

Any sentenced offenders with 120 days or less remaining on their sentence are eligible to be referred to the Re-Entry Coordinated Case Management meeting. This service provides much needed assistance for the adolescent offenders leaving the facility with wrap around services in such areas as job skills, substance abuse, mental health, housing, and medical needs.

OUTCOMES

When the YOU program began, a researcher from the University of Maryland was hired to study the YOU for three years. In order to evaluate the program, it was necessary to have a control group. From January 1997 through December 1997, inmates were randomly assigned to either the YOU (the pilot group), or a control group. Offenders in the control group were also between the ages of 14 and 21 years and were eligible for all programs in MCCF, with the exception of the YOU. Studies were done on various aspects of the program and the control group. One study showed that offenders in the YOU had a lower incidence of violent behavior than the control group, over the four (4) reporting periods that was studied. Another study showed a lower incidence of overall disciplinary reports for the pilot group, during the time period this were studied. Three (3) months in the unit appears to be the key time frame to note significant improvement in behavior. Scholastic achievement for the pilot group was dramatically superior to the control group. The MRT program (the core therapeutic component of the YOU) has been proven effective in many correctional facilities.

WITHIN OUR DISCUSSION THERE ALSO NEEDS TO BE A SUBSTANTIVE DISCUSSION OF LOCAL CORRECTIONS

There are approximately 3,800 local and regional jails in the United States. The Bureau of Justice Statistics (BJS), April 2005 report (Prison and Jail Inmates at Midyear 2004), speaks to Average Daily Population and notes there were 713,990 inmates in local jails while there were 1,390,906 prisoners in state and federal prisons. That data element is accurate but that is not what local government and local communities must deal with every day of the week. The critical elements of admissions, discharges and reentry to the community creates data elements that are staggering at the local level and these elements have almost never been properly articulated by government, the media or within

the legislative process. **Local jails intake and release more than 12 million persons annually** (Dr. Allen Beck, Jail Reentry Roundtable, Urban Institute, June 27, 2006). BJS reports estimate federal and state releases at over 650,000. That number pales when compared to the impacts on local communities of county correctional releases. County corrections is enormous in scope and dwarfs both the federal and state correctional population when we focus on the impacts of the number of human beings committed to jail and correspondingly released back into local communities.

In Maryland this year we are on track to incarcerate in local correctional facilities 114,000 to 115,000 people and release 110,000 of that number back into our communities. This again needs to be a focus. Approximately 10% of our incarcerated population are going on to long term state prison stays. 90% are returning to the streets of our community. This begs a very direct question. **How do you want me to return these individuals to our community?** Better informed about what resources are available and having been through some programs of change, or returning to the community after spending time in a facility with no resources, where quite frankly, they have learned to be better criminals.

As part of my testimony to this esteemed committee, I would please ask you to continue to ask yourself this question when presented with requests for funding in these areas. Keep local corrections and local correctional interests in the forefront of your mind as an opportunity to funnel federal dollars directly to the point of initial contact.